

REMARKS

Claims 44-49 and 52-57 have been amended. Claims 58-60 have been newly added. Claims 44-49 and 52-60 are now pending in the present application.

Claims 4, 8-16, 18-21 and 38-40 stand objected to based on certain informalities. Applicants have amended the claims as suggested by the Office Action. Thus, Applicants respectfully request that the objections be reconsidered and withdrawn.

Please note that claims 8-16, 18-21 and 38-40 have been withdrawn from consideration, however, Applicants respectfully maintain, as mentioned in Applicant's previous Amendment dated December 15, 2005 and acknowledged by the Office Action (Office Action at 5), that claims 52, 56 and 57 are generic to claims 8-16, 18-21 and 38-40; and upon allowance of the generic claims, Applicants should be entitled to consideration of claims that include all limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

Claims 44-49 and 53-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps in view of Fenner and Suzuki. Claims 52 and 56-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps in view of Fenner. The rejections are respectfully traversed.

Claim 44 recites, *inter alia*, a game apparatus operated by a motion of a game player, comprising a "display unit being configured to display a command mark on a display screen, which is blown out from a single prescribed appearance position in accordance with a rhythm of music, moves from the single prescribed appearance position to any of a plurality of prescribed disappearance positions, and is drawn into the prescribed disappearance position, in order to display one command to be carried

out.” Claim 44 further recites “the display unit being configured to display at least two command marks which indicate different operations, in order to display another command to be carried out.” Claims 45-49 recite similar limitations.

Claim 52 recites, *inter alia*, a game apparatus operated by motions of a game player opposed to a display screen comprising “a display unit for displaying a game display opposed to the game player, the display unit being configured to display a command mark on a display screen, which is blown out from a single prescribed appearance position, moves from the single prescribed appearance position to any of a plurality of prescribed disappearance positions, and is drawn into the prescribed disappearance position, in order to display one command to be carried out.” Claims 56 and 57 recite similar limitations.

Claim 53 recites, *inter alia*, a game apparatus operated by a motion of a game player, comprising “[a] display unit being configured to display a command mark on a display screen, which is blown out from a single prescribed appearance position in accordance with a rhythm of music, moves from the single prescribed appearance position to any of a plurality of prescribed disappearance positions, and is drawn into the prescribed disappearance position, in order to display at least two command marks indicating at least two movements different from each other in accordance with a rhythm of music, and to command the prescribed position to which the command mark is to be drawn.” Claims 54 and 55 recite similar limitations.

As stated by the Office Action, Lipps nor Fenner teach or suggest “a command mark with a command of a specific operation.” (Office Action at 4). Thus, the Office Action seeks to overcome this deficiency by combining Suzuki, and has cited Suzuki as teaching a game machine including a display unit for displaying a plurality of command marks indicating different operations at a single prescribed position. *Id.*

Contrary to the claimed invention, Suzuki refers to a game machine providing a player with a plurality of command marks blown out from a plurality of prescribed appearance positions, which move from the plural prescribed appearance positions to a plurality of prescribed disappearance positions, and are drawn into the plural prescribed disappearance positions. The plural command marks have different commands associated with each other.

The different commands depend upon the plurality of prescribed appearance positions, for example, (1) the command M1 indicating a left arrow blown out from the most left prescribed appearance position S1 and be drawn into the most left prescribed disappearance position; (2) the command (if any) indicating a down arrow must be blown out from the second prescribed position S2 and be drawn into the second prescribed disappearance position; (3) the command M3 indicating an up arrow must be blown out from the third prescribed position S3 and be drawn into the third prescribed disappearance position; and (4) the command (if any) indicating a right arrow must be blown out from the most right prescribed positions S4 and be drawn into the most right prescribed disappearance position. (See FIG. 9 of Suzuki). To the contrary, in the claimed invention, the display unit is configured to display at least two command marks which indicate different operations, in order to display another command which is to be carried out.

For at least the reasons set forth above, Lipps, Fenner, and Suzuki, whether considered alone or in any combination, fail to teach or suggest the limitations of claims 44, 52 and 53. Claims 45-49, 54, 55, 56 and 57 recite similar limitations, and thus should be allowable along with claims 44, 52 and 53. Additionally, newly added claims 58-60 recite similar limitations as described above in regards to claims 52, 56 and 57, and thus should be allowable for similar reasons. Accordingly, Applicants respectfully request that the rejection be withdrawn and the claims allowed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: June 30, 2006

Respectfully submitted,

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